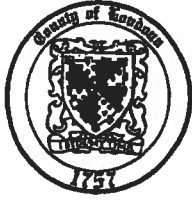


Tab 8



Loudoun County, Virginia

www.loudoun.gov

County Administration

1 Harrison Street, S.E., 5th Floor, P.O. Box 7000, Leesburg, VA 20177-7000
Telephone (703) 777-0200 • Fax (703) 777-0325

At a meeting of the Board of Supervisors of Loudoun County, Virginia, held in the County Government Center, Board of Supervisors' Meeting Room, 1 Harrison St., S.E., Leesburg, Virginia, on Tuesday, April 6, 2004 at 9:30 a.m.

PRESENT: Scott K. York, Chairman
Bruce E. Tulloch, Vice Chairman
James G. Burton
James E. Clem
Eugene A. Delgaudio
Sally Kurtz
Stephen J. Snow
Mick Staton Jr.
Lori L. Waters

IN RE: LAND USE COMMITTEE REPORT/ ZMAP 2002-0020, BRADDOCK CORNER

Mr. Snow moved that the Board of Supervisors approve the Land Use Committee recommendation to approve ZMAP 2002-0020, Braddock Corner, subject to the February 25, 2004 Proffer Statement, and the Applicant's March 19, 2004 Letter of Clarification, based on the Findings For Approval.

Seconded by Mr. Staton.

Voting on the Motion: Supervisors Clem, Delgaudio, Kurtz, Snow, Staton, Tulloch, and Waters - Yes; Supervisors Burton and York - No.

COPY TESTE:

**DEPUTY CLERK FOR THE LOUDOUN
COUNTY BOARD OF SUPERVISORS**

C:\my documents\resolutions\2004 resolutions\04-06-04 bos resolution --n-braddock corner

**Braddock Riding, L.L.C.
1485 Chain Bridge Road, Suite 100
McLean, VA 22101
(703) 821-3556**

March 19, 2004

Via Hand Delivery & E-Mail

The Honorable Scott K. York, Chairman
Loudoun County Board of Supervisors
1 Harrison Street, SE, 5th Floor
Leesburg, Virginia 20175

Re: Letter of Clarification to Braddock Corner Proffer Statement, dated February 25, 2004, ZMAP 2002-0020, Braddock Corner

Dear Chairman York:

The undersigned, the Applicant identified in the Proffer Statement dated February 25, 2004, for the - rezoning application ZMAP 2002-0020, hereby provides this letter, which will serve to clarify the Proffer Statement for ZMAP 2002-0020 dated February 25, 2004, (the "Proffers") in accordance with discussions held with the Board of Supervisor's Land Use Committee. Only the specifically referenced proffers below are being revised and all of the other proffers contained in the February 25, 2004, version of the proffers remain valid.

The Applicant hereby makes the following clarifications to the Braddock Corner rezoning application Proffers, which are revised to read as follows:

IV. TRANSPORTATION

8. DEVELOPMENT PHASING AND TRANSPORTATION IMPROVEMENTS

The number of residential zoning permits issued for the Subject Property shall be limited to 53 zoning permits until such time as the two-lane section of Braddock Road (per CPAP #2002-0033) and the four-lane section of Gum Spring Road (per CPAP #2002-0189) are bonded and/or constructed along the property frontage by others. Further, the Applicant reserves the right to bond and/or construct a portion of the ultimate improvements along the frontage of the Subject Property. If bonded and constructed by the Applicant, then the value of these road improvements will be credited toward its regional road proffer commitment as determined under Proffer #10.

10. CASH CONTRIBUTIONS FOR REGIONAL ROAD IMPROVEMENTS

The Applicant shall make a cash contribution to the County, in the amount of \$1,010,978.00 - - to be used at the County's discretion for regional road improvements within the Dulles South Community Planning Area, as defined by the Revised General Plan. This contribution will be paid in two payments as follows:

Payment 1: First \$505,489.00 (50 percent) paid at County approval of first Record Plat; and

Payment 2: Second \$505,489.00 (100 percent) paid at County approval of 81st Zoning Permit.

This contribution shall escalate beginning one year after zoning approval and be adjusted effective January 1st of each year thereafter, based on the CPI as published by the Bureau of Labor Statistics, U.S. Department of Labor, for the Washington-Baltimore, MD-VA-DC-WV Consolidated Metropolitan Statistical Area

12. BRADDOCK ROAD PEDESTRIAN TRAIL

The Applicant shall dedicate a 14-foot wide public access easement and construct an eight-foot wide asphalt trail within said easement on the Subject Property frontage along Braddock Road (Route 620) outside of the proposed right-of-way dedication, as depicted on Sheets 4 and 5 of the attached CDP. Notwithstanding the above, the Applicant shall construct the trail within the right-of-way dedicated for Braddock Road, subject to VDOT approval. In the event the that such location of the trail within the right-of-way is not approved by VDOT, then the above referenced 14-foot wide easement shall be provided contiguous to the right-of-way, the eight foot wide trail shall be field located so as to avoid larger trees (those greater than 10 to 12 inches in diameter), and exact location of the trail shall be subject to review by the County Forester, prior to the approval of the adjacent record plat. Whether built in the right of way or within a public access easement construction of the trail shall be bonded prior to the approval of the adjacent record plat. This trail shall conform to the American Association of State and Highway Transportation officials ("AASHTO") standards and shall be maintained by the Homeowners' Association ("HOA"), to be established pursuant to proffer #19.

VI. HOMEOWNER'S ASSOCIATION / POTENTIAL ANNEXATION

19 A. BUILDINGS WITHIN REQUIRED BUFFER AREAS

The Applicant will insure that the HOA documents have a written disclosure provision that prohibits buildings within the 75-foot setback from the Route 659 right-of-way, as required by Section 3-511(A) of the Revised 1993 Zoning Ordinance.

The undersigned hereby warrants that all owners with a legal interest in the Subject Property have signed this Letter of Clarification, that all signatories have full authority to bind the Subject Property to these conditions, and that this Letter of Clarification is entered into voluntarily.

BRADDOCK RIDING, L.L.C.

By: 

Title: William J. Collins - Manager

COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX, to-wit:

The foregoing Letter of Clarification was acknowledged before me this 21st day of March, 2004, by William J. Collins, as Manager of Braddock Riding, L.L.C.


Notary Public

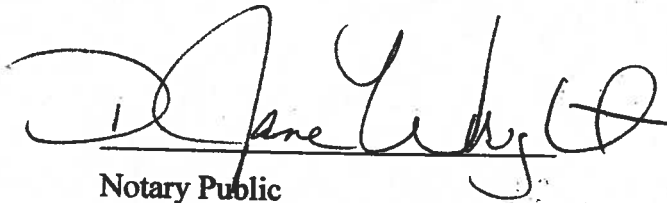
My Commission Expires: 3-31-2008

 (SEAL)
Martin F. Charpentier

STATE OF GEORGIA

COUNTY OF Walton, to-wit:

The foregoing Letter of Clarification was acknowledged before me, this 27th day of March, 2004, by Martin F. Charpentier.


Notary Public

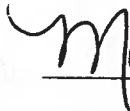
My Commission Expires:

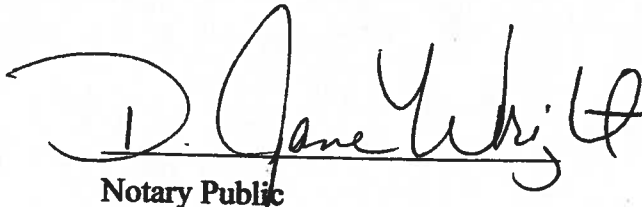
Notary Public, Walton County, Georgia
My Commission Expires Oct. 17, 2006

 (SEAL)
Marian Charpentier

STATE OF GEORGIA


COUNTY OF Walton, to-wit:

 The foregoing Letter of Clarification was acknowledged before me, this 27th day of March, 2004, by Marian Charpentier.


Notary Public

My Commission Expires:

Notary Public, Walton County, Georgia
My Commission Expires Oct. 17, 2006

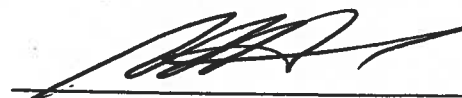
 (SEAL)

William A. Stewart, III.

STATE OF VIRGINIA

COUNTY OF Loudoun, to-wit:

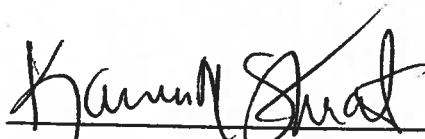
The foregoing Letter of Clarification was acknowledged before me, this 30th day of March, 2004, by William A. Stewart, III.



Notary Public

My Commission Expires:

3-31-2008

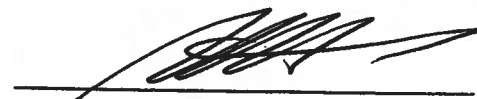
 (SEAL)

Karen M. Stewart

STATE OF VIRGINIA

COUNTY OF Loudoun, to-wit:

The foregoing Letter of Clarification was acknowledged before me, this 30th day of March, 2004, by Karen M. Stewart.



Notary Public

My Commission Expires:

3/31/08

Gerald F. Eisert (SEAL)

Gerald F. Eisert

(Individually and as surviving tenant by the
entirety with Mildred Ann Eisert, deceased)

STATE OF VIRGINIA

COUNTY OF Prince William, to-wit:

The foregoing Letter of Clarification was acknowledged before me, this 22 day of
March, 2004, by Gerald F. Eisert, individually and as surviving tenant by the entirety
with Mildred Ann Eisert, deceased.

Lisa Booth

Notary Public

My Commission Expires:

31 Jan 2007

Frank Angerman (SEAL)
Frank Angerman

STATE OF VIRGINIA

COUNTY OF LOUDOUN, to-wit

The foregoing Letter of Clarification was acknowledged before me, this 23rd day of March, 2004, by Frank Angerman.

[Signature]
Notary Public

My Commission Expires:

3-31-2008

Evelyn G. Angerman (SEAL)
Evelyn G. Angerman

STATE OF VIRGINIA

COUNTY OF LOUDOUN, to-wit:

The foregoing Letter of Clarification was acknowledged before me, this 23rd day of March, 2004, by Evelyn G. Angerman.

[Signature]
Notary Public

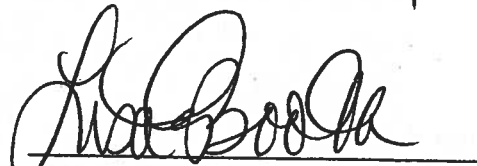
My Commission Expires:

3-31-2008


Betty Pearl Hott

STATE OF VIRGINIA
COUNTY OF Prince William, to-wit:

The foregoing Letter of Clarification was acknowledged before me, this 27 day of March, 2004, by Betty Pearl Hott.


Notary Public

My Commission Expires:

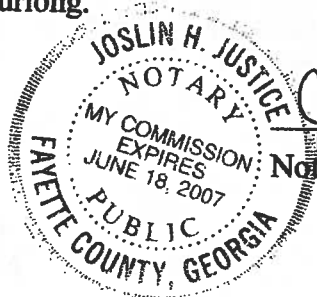
31 Jan 2007

Donald Furlong (SEAL)
Donald Furlong

STATE OF GEORGIA

COUNTY OF FAVETTE, to-wit:

The foregoing Letter of Clarification was acknowledged before me, this 22nd day of MARCH, 2004, by Donald Furlong.



Joslin H. Justice
Notary Public

My Commission Expires:

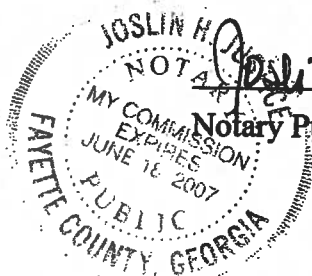
6/18/07

Roberta Furlong (SEAL)
Roberta Furlong

STATE OF GEORGIA

COUNTY OF FAVETTE, to-wit:

The foregoing Letter of Clarification was acknowledged before me, this 22nd day of MARCH, 2004, by Roberta Furlong.



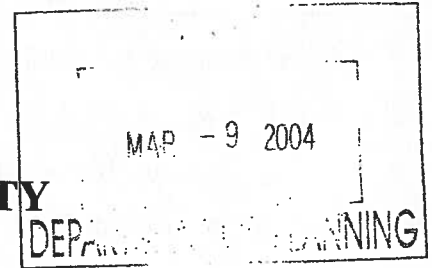
Joslin H. Justice
Notary Public

My Commission Expires:

6/18/07

PROFFER STATEMENT
BRADDOCK CORNER PROPERTY
ZMAP 2002-0020

September 25, 2003
Revised February 5, 2004
Revised February 16, 2004
Revised February 25, 2004



Pursuant to Section 15.2-2303 of the Code of Virginia (1950), as amended, and Section 6-1209 of the Revised 1993 Loudoun County Zoning Ordinance, (the "Zoning Ordinance"), **Braddock Riding, L.L.C.** (owner of Loudoun County Tax Map 105-19, MCPI #206-18-3681), together with Martin & Marian Charpentier, (owners of Loudoun County Tax Map 105-16A, MCPI #206-26-5750); Donald and Roberta Furlong (owners of Loudoun County Tax Map 105-16B, MCPI #206-27-0745); William and Karen Stewart (owners of Loudoun County Tax Map 105-16C, MCPI #206-27-3315 and Loudoun County Tax Map 105-17B, MCPI #206-17-7297); Betty Pearl Hott (owner of Loudoun County Tax Map 105-17C, MCPI #206-28-0169); Gerald F. Eisert (owner of Loudoun County Tax Map 105-17D, MCPI #206-28-0827); and Frank and Evelyn Angerman (owners of Loudoun County Tax Map 105-17E, MCPI #206-18-0289), (collectively, the above referenced owners shall hereafter be referred to as the "Applicant", and, collectively, the above referenced parcels shall hereafter be referred to as the "Subject Property"), hereby voluntarily proffer that, in the event the Subject Property is rezoned by the Loudoun County Board of Supervisors from the R-1 zoning district to the PD-H4 (Planned Development-4 Housing District) zoning district, administered under the R-8 regulations of the 1993 Zoning Ordinance, as applicable to applications with Affordable Dwelling Units, and with a modification of Section 3-511(A) of the Zoning Ordinance to allow the minimum building setback from a public right-of-way to be reduced from twenty-five (25) feet to fifteen (15) feet, all as substantially set forth in the Concept Development Plan ("CDP") titled Braddock Corner Zoning Map Amendment Application, Sheets 1 through 8, dated December 17, 2002, with revisions through December 11, 2003, prepared by Bowman Consulting Group, Ltd., the

development of the Subject Property shall be in substantial conformance with the conditions set forth below.

These proffer conditions are the only development conditions offered on this rezoning application, provided that these proffers shall become effective upon final approval of the Rezoning Application ZMAP 2002-0020, as modified, submitted by the Applicant.

I. PROPOSED LAND USE

1. CONCEPT DEVELOPMENT PLAN (CDP)

The development of the Subject Property shall be in substantial conformity with the CDP. The CDP shall control the general development layout and lot configuration of the Subject Property. Development of the Subject Property shall allow up to a maximum of sixty-nine (69) single family detached and a maximum of ninety (90) attached dwelling units for a maximum of 159 total dwelling units, inclusive of ten (10) Affordable Dwelling Units ("ADU's"). The Applicant shall have flexibility in the final design of the subdivision and site plan review to accommodate site environmental constraints -- i.e., tree save areas, public dedications, and proposed utility locations -- as well as the recommendations of the geotechnical study to be submitted to the County per Proffer #27 below. The ADU's shall be dispersed among the single family attached units.

2. WATER AND SEWER

The Subject Property will be served by public water and sewer systems. All water and sewer extensions and connections necessary for development of the Subject Property shall be provided at no expense to the Loudoun County Sanitation Authority (the "LCSA"). Such water and sanitary sewer extensions shall be constructed in accordance with LCSA standards.

II. CAPITAL FACILITIES

3. CAPITAL FACILITIES CONTRIBUTION

The Applicant shall pay to the County, at the time of issuance of each zoning permit, a one-time cash contribution in the amount of \$10,206.94 per dwelling unit. These

contributions shall escalate on an annual basis beginning one year after zoning approval and be adjusted effective January 1st of each year thereafter, based on the Consumer Price Index ("CPI") as published by the Bureau of Labor Statistics, U.S. Department of Labor, for the Washington-Baltimore, MD-VA-DC-WV Consolidated Metropolitan Statistical Area. These contributions shall be used for capital improvement projects, such as schools and/or other County government capital improvement projects, in the Dulles South portion of the County as described in the County's Revised General Plan.

III. FIRE AND RESCUE SERVICES

4. CONTRIBUTIONS

The Applicant shall pay a one-time contribution of \$125.00 per residential dwelling unit, at the time of the issuance of each zoning permit, to the County for distribution to the Fire and Rescue companies providing primary service to the Subject Property. This contribution shall be divided equally between the primary servicing Fire and Rescue companies. This contribution shall escalate on an annual basis beginning one year after zoning approval and be adjusted effective January 1st of each year thereafter, based on the CPI as published by the Bureau of Labor Statistics, U.S. Department of Labor, for the Washington-Baltimore, MD-VA-DC-WV Consolidated Metropolitan Statistical Area with 1988 as the base year for these calculations.

5. EMERGENCY VEHICLE ACCESS

The Applicant shall provide all-weather, gravel compacted access for emergency vehicles, acceptable to the Fire Marshal, to all portions of the Subject Property under construction, no later than the framing stage of construction of the first section on the Subject Property.

6. SPRINKLER SYSTEMS

The Applicant shall require all on-site builders to provide, as an option to purchasers of single-family attached and detached units on the Subject Property, the opportunity to purchase and have installed residential fire protection sprinkler systems for each

residence. This proffer shall not require a builder to install such systems in residences on the Subject Property unless the purchasers of any such residence choose to exercise this option prior to the start of construction of each residence.

IV. TRANSPORTATION

7. INTERNAL ROAD NETWORK

All public and private (townhouse) roadways on the Subject Property will be constructed in accordance with the County of Loudoun's Land Subdivision and Development Ordinance ("LSDO") and Facilities Standards Manual ("FSM"), as may be applicable, to provide access to the Subject Property as it is developed. All public roads built on the Subject Property will be designed and constructed in accordance with Virginia Department of Transportation ("VDOT") and County standards, or with modified standards as may be approved by VDOT and the County. All public road rights-of-way within the Subject Property will be dedicated to the County and provided at no cost to the County or VDOT. Dedication of land shall include associated easements outside the right-of-way, such as slope maintenance and storm drainage necessary to construct public roads and streets within the Subject Property.

8. DEVELOPMENT PHASING AND TRANSPORTATION IMPROVEMENTS

The number of residential zoning permits issued for the Subject Property shall be limited to 80 permits until such time as the two-lane section of Braddock Road (per CPAP #2002-0033) and the four-lane section of Gum Spring Road (per CPAP #2002-0189) are bonded and/or constructed along the property frontage by others. Further, the Applicant reserves the right to bond and/or construct a portion of the ultimate improvements along the frontage of the Subject Property. If bonded and constructed by the Applicant, then the value of these road improvements will be credited toward its regional road proffer commitment as determined under Proffer #10

9. REGIONAL ROAD RIGHT-OF-WAY DEDICATION

The Applicant shall dedicate as right-of-way, for widening on Braddock Road (Route 620) and Gum Springs Road (Route 659), those portions of the Subject Property shown

as right-of-way on CPAP 2002-0189 and CPAP 2002-0033, with final right-of-way delineation subject to final review and approval by the County and VDOT. In addition to providing for the above referenced right-of-way dedication, the Applicant will grant all necessary easements relating to road construction for utilities, drainage, and grading. Such dedication will be provided at the time of recordation of the first record plat.

10. CASH CONTRIBUTIONS FOR REGIONAL ROAD IMPROVEMENTS

The Applicant shall make a cash contribution to the County, at the time of issuance of the Zoning Permit for each residential dwelling unit, a one-time cash contribution in the amount of \$6,358.35 per residential unit to be used at the County's discretion for regional road improvements within the Dulles South Community Planning Area, as defined by the Revised General Plan. This contribution shall escalate beginning one year after zoning approval and be adjusted effective January 1st of each year thereafter, based on the CPI as published by the Bureau of Labor Statistics, U.S. Department of Labor, for the Washington-Baltimore, MD-VA-DC-WV Consolidated Metropolitan Statistical Area.

11. TRANSIT SERVICE CONTRIBUTION

The Applicant shall provide to the County Board of Supervisors a one-time contribution of \$500.00 per residential dwelling unit for transit improvements and transit enhancements within the Route 50 Corridor or the Dulles South Community Planning Areas as defined by the Revised General Plan. This contribution shall be paid at the time of issuance of each residential zoning permit and shall be adjusted based on the CPI beginning one year from the approval date of this rezoning application. If transit service does not exist within the Dulles South Community Planning Area at time of the issuance of the 100th zoning permit for the Subject Property, then this proffer contribution may be applied to regional road improvements as stated in Proffer #10, as may be determined by the Board of Supervisors.

12. BRADDOCK ROAD PEDESTRIAN TRAIL

The Applicant shall dedicate a 14-foot wide public access easement and construct an eight-foot wide asphalt trail within said easement on the Subject Property frontage along

Braddock Road (Route 620) outside of the proposed right-of-way dedication as depicted on Sheets 4 and 5 of the attached CDP. Notwithstanding the above, the trail may be located within the right-of-way in the area of the RSCOD crossing of Braddock Road in order to avoid disturbing the RSCOD, subject to VDOT approval, and as generally shown on Sheet 4. In the event that such location of the trail within the right-of-way is not approved by VDOT, the trail shall be located in the RSCOD area with the least disturbance possible and shall be of impermeable material. The easement and trail shall be field-located to avoid larger trees. Construction of the trail shall be bonded prior to the approval of the adjacent record plat. This trail shall conform to the American Association of State and Highway Transportation Officials ("AASHTO") standards and shall be maintained by the Homeowners' Association ("HOA"), to be established pursuant to Proffer #19.

13. INTERNAL SIDEWALKS

The Applicant will build pedestrian sidewalks on both sides of public streets as shown on Sheets 4 and 5 of the CDP.

14. ROUTE 659/GUM SPRING ROAD PEDESTRIAN TRAIL

The Applicant shall dedicate a 14-foot wide public access easement and shall construct an eight-foot wide asphalt trail within said easement on the Subject Property frontage along Route 659 (Gum Spring Road) outside the proposed right-of-way dedication as depicted on Sheets 4 and 5 of the attached CDP. The easement and trail shall be field located to avoid larger trees. Construction of the trail shall be bonded prior to the approval of the adjacent record plat. This trail shall conform to American Association of State and Highway Transportation Officials ("AASHTO") standards and shall be maintained by the homeowners' association for the Subject Property, as established pursuant to Proffer #19.

V. OPEN SPACE

15. OPEN SPACE EASEMENT

Open space easements shall be conveyed to the Board of Supervisors over those designated open space areas to be owned and maintained by the HOA, described as "Open Space," "Neighborhood Parks", and "Tree Save Areas" on the attached CDP, Sheet 4, at time of recordation of the first record plat for any land bay adjacent to these designated open space areas. These designated open space areas subjected to these open space easements shall remain undisturbed except for stormwater management activities, the construction and maintenance of utilities, Best Management Practices ("BMP") and/or Low Impact Design ("LID") facilities, community park facilities, and pedestrian trails.

16. BUFFER AREAS

The Applicant shall provide for the installation of a Type 2 buffer in all areas within the "Tree Save Areas" as shown on the Concept Development Plan that are disturbed during construction and are not used for BMP or LID facilities, pedestrian trails, and/or parks and utilities.

17. ACTIVE RECREATION/COMMUNITY AMENITIES

Active recreation and community amenities for the Subject Property, which will be owned and maintained by the HOA, will be provided in the two "Neighborhood Parks" shown on the Sheet 4 of the CDP, which shall contain benches, a gazebo, a minimum of two picnic tables, pedestrian trails, and tot lots as generally shown on Sheet 8 of the CDP. These facilities will be constructed prior to the issuance of the 100th zoning permit for new construction within the Subject Property.

18. TREE SAVE AREAS

Existing trees and vegetation will be preserved in their natural condition in the areas designated on the CDP as "Tree Save Areas" as generally shown on Sheet 4 of the CDP. No clearing or grading activities shall occur within the Tree Save Areas, except where needed for the installation of pedestrian trails, underground utilities, such as water and

sewer lines, and selected clearing of any dead, damaged, dying, or diseased trees and vegetation, or any tree or vegetation that interferes with the functioning of any utility or drainage easement or that poses a safety hazard. Such clearing shall be subject to consultation and agreement with the County Forester, prior to the removal of any such vegetation. The Applicant shall install wood chip or soft trails within the tree-save areas, except for the two pedestrian trails located along Braddock Road and Gum Spring Road, which will be asphalt, in order to minimize the disturbance to the existing trees and vegetation in these areas. The Applicant shall develop the Subject Property in accordance with a Tree Preservation Plan to be developed by the Applicant in consultation with the County Forester prior to the first site or subdivision plan approval. In addition, the Applicant will use best efforts to save trees that are not in the designated Tree Save Areas, to the extent consistent with the development of the Subject Property as shown on the CDP.

VI. HOMEOWNERS' ASSOCIATION/POTENTIAL ANNEXATION

19. HOMEOWNERS' ASSOCIATION OR ANNEXATION

Documents to establish the Braddock Corner HOA or to annex the Subject Property into the existing Kirkpatrick Farm HOA will be submitted to the County for review and approval as to form and consistency with these proffers prior to the approval of the first record plat of subdivision for the Subject Property. In the event the Subject Property is annexed into the Kirkpatrick Farm HOA said annexation shall occur prior to the approval of the first record plat. If the Subject Property is not annexed into the Kirkpatrick Farm HOA, the Braddock Corner HOA will be established prior to approval of the first record plat. In either event, the applicable HOA shall have, among its duties, maintenance of all open space, private travelways and parking areas, including snow removal, trash removal, private storm drainage, and stormwater management facilities, and common areas, which include the open space, trails, greens, recreation, and play areas on the Subject Property.

20. GARAGE RESTRICTION

The Applicant will, prior to the first record plat approval for the Subject Property, prepare and record a covenant within the HOA documents that limits the primary use of garages to the storage of vehicles.

VII. ENVIRONMENT

21. LOW IMPACT DESIGN MEASURES

The Applicant, subject to formal adoption by the County of low impact design measures within the Facility Standards Manual ("FSM"), will implement Low Impact Design ("LID") measures in the development of the Subject Property. Those LID measures deemed likely to be effective on the Subject Property, based on the physical constraints of the Subject Property, will be designed and implemented in accordance with the adopted provisions of the Facilities Standards Manual.

22. STORM DRAIN MARKINGS

All storm drainage inlet structures on the Subject Property shall be marked "DO NOT DUMP OIL" or other such appropriate admonition as directed by the County. The HOA documents shall include provisions requiring the HOA to maintain the legibility of such markings.

23. NOISE IMPACT STUDY

The Applicant will provide a noise impact study to the County that will determine the need for any additional buffering and noise attenuation measures along the Braddock Road and Gum Spring Road frontages of the Subject Property. The noise impact study shall address the noise generated by the traffic from these two roadways at the time of build-out of the Subject Property. This noise impact study will be conducted by a certified professional engineering firm and submitted to the County concurrently with the first site plan or subdivision plan, whichever is first in time. If it is determined by County staff that the noise impacts will exceed County Standards identified in the FSM, the Applicant will provide additional buffers, berms, fencing, or other such noise attenuation

measures along Braddock Road and Gum Spring Road as may be appropriate and sufficient to mitigate the noise impact from these two roadways.

24. BEST MANAGEMENT PRACTICES

The Applicant shall use Best Management Practices as published in the latest edition of the Virginia Stormwater Management Handbook and the Facilities Standards Manual ("FSM") in developing the Subject Property as may be currently in effect on the date of submission of any preliminary subdivision plans.

25. UTILITY ROUTING

The Applicant shall use good faith efforts to minimize the extent of land disturbance within the River and Stream Corridor Overlay District ("RSCOD") area on the Subject Property, located to the west side of the Subject Property, when designing and installing public utility lines and to limit land disturbance within the areas designated as Tree Save Areas on Sheet 4. Where utility lines or facilities must disturb RSCOD areas, these areas will be replanted once construction is completed. Replantings shall consist of a minimum of fifty (50) percent native plant materials and such plantings that are identified as appropriate by the FSM. Notwithstanding the foregoing, the design of water supply and wastewater utility facilities shall be subject to LCSA approval, shall respect sound engineering principles and shall comply with all applicable LCSA and FSM standards.

VIII. AFFORDABLE DWELLING UNITS

26. AFFORDABLE DWELLING UNITS

The Applicant will provide 6.25 percent of the total number of dwelling units to be constructed on the Subject Property as Affordable Dwelling Units ("ADU's"). The ADU's will be built within the single family attached area of the Subject Property.

IX. GEOTECHNICAL STUDY

27. GEOTECHNICAL STUDY

The Applicant shall submit a geotechnical study for the Subject Property to the County for review and approval prior to the approval of the first site or subdivision plan. The Applicant will incorporate the geotechnical study recommendations in all plans submitted to the County.

X. BINDING EFFECT:

28. The undersigned hereby warrants that all of the owners of a legal interest in the Subject Property have signed this Proffer Statement, that they have full authority to bind the Subject Property to these conditions, and that this Proffer Statement is entered into voluntarily.

J:\Concordia\Proffers for Braddock Corner\Proffers 2-25-04 (clean).doc

Braddock Riding, LLC,

By:  (SEAL)

Name: William J. Collins

Title: Manager

Date: 2/12/04

STATE OF VIRGINIA

COUNTY OF FAIRFAX, to-wit:

I, the undersigned notary public, in and for the state and city/county aforesaid, do hereby certify that WILLIAM J. COLLINS, whose name is signed to the foregoing instrument, has acknowledged the same before me on behalf of the LLC.

Subscribed and sworn to before me this 18th day of February 2004.

My Commission Expires:

3-31-04


Notary Public

 (SEAL)
Martin F. Charpentier
GA Lic 049310430

STATE OF ~~GEORGIA~~ FLORIDA
COUNTY OF Palm Beach, to-wit:

I, the undersigned notary public, in and for the state and city/county aforesaid, do hereby certify that Martin F. Charpentier, whose name is signed to the foregoing instrument, has acknowledged the same before me.

Subscribed and sworn to before me this 4 day of March 2004.

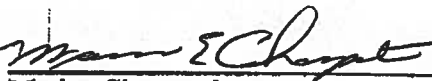
My Commission Expires:


Notary Public



Denise A. Simmons
Commission # DD 020040
Expires June 8, 2005
Bonded Thru
Atlantic Bonding Co., Inc.

STATE OF ~~GEORGIA~~ FLORIDA
COUNTY OF Palm Beach, to-wit:

 (SEAL)
Marian Charpentier
GA Lic 049310411

I, the undersigned notary public, in and for the state and city/county aforesaid, do hereby certify that Marian Charpentier, whose name is signed to the foregoing instrument, has acknowledged the same before me.

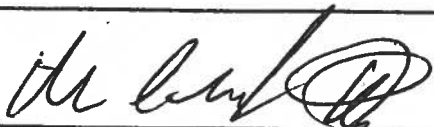
Subscribed and sworn to before me this 4 day of March 2004.

My Commission Expires:


Notary Public



Denise A. Simmons
Commission # DD 020040
Expires June 8, 2005
Bonded Thru
Atlantic Bonding Co., Inc.

 (SEAL)
William A. Stewart, III.

STATE OF VIRGINIA

COUNTY OF FAIRFAX, to-wit:

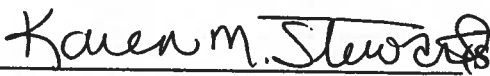
I, the undersigned notary public, in and for the state and city/county aforesaid, do hereby certify that William A. Stewart, III, whose name is signed to the foregoing instrument, has acknowledged the same before me.

Subscribed and sworn to before me this 24th day of February 2004.

My Commission Expires:

3-31-04


Notary Public

 (SEAL)
Karen M. Stewart

STATE OF VIRGINIA

COUNTY OF FAIRFAX, to-wit:

I, the undersigned notary public, in and for the state and city/county aforesaid, do hereby certify that Karen M. Stewart, whose name is signed to the foregoing instrument, has acknowledged the same before me.

Subscribed and sworn to before me this 24th day of February 2004.

My Commission Expires:

3-31-04


Notary Public

Gerald F. Eisert (SEAL)

Gerald F. Eisert

(Individually and as surviving tenant by the entirety with Mildred Ann Eisert, deceased)

STATE OF VIRGINIA

COUNTY OF Prince William, to-wit:

I, the undersigned notary public, in and for the state and city/county aforesaid, do hereby certify that Gerald F. Eisert, individually and as surviving tenant by the entirety with Mildred Ann Eisert, deceased, whose name is signed to the foregoing instrument, has acknowledged the same before me.

Subscribed and sworn to before me this 28 day of February 2004.

My Commission Expires:

31 Jan 2007

Lisa E Booth

Notary Public

Frank Angerman (SEAL)
Frank Angerman

STATE OF VIRGINIA

COUNTY OF Loudoun, to-wit

I, the undersigned notary public, in and for the state and city/county aforesaid, do hereby certify that Frank Angerman, whose name is signed to the foregoing instrument, has acknowledged the same before me.

Subscribed and sworn to before me this 1st day of March 2004.

My Commission Expires:

3-31-04

[Signature]
Notary Public

Evelyn G. Angerman (SEAL)
Evelyn G. Angerman

STATE OF VIRGINIA

COUNTY OF Loudoun, to-wit:

I, the undersigned notary public, in and for the state and city/county aforesaid, do hereby certify that Evelyn G. Angerman, whose name is signed to the foregoing instrument, has acknowledged the same before me.

Subscribed and sworn to before me this 1st day of March 2004.

My Commission Expires:

3-31-04

[Signature]
Notary Public

Betty P. Hott (SEAL)
Betty Pearl Hott

STATE OF VIRGINIA

COUNTY OF Prince William, to-wit:

I, the undersigned notary public, in and for the state and city/county aforesaid, do hereby certify that Betty Pearl Hott, whose name is signed to the foregoing instrument, has acknowledged the same before me.

Subscribed and sworn to before me this 28 day of February 2004.

My Commission Expires:

31 Jan 2007

Lisa E Booth
Notary Public

Donald Furlong (SEAL)
Donald Furlong

STATE OF GEORGIA

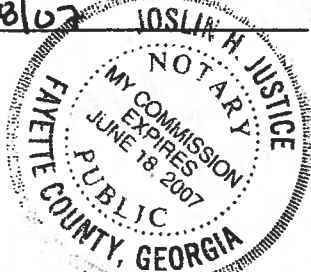
COUNTY OF FAYETTE, to-wit:

I, the undersigned notary public, in and for the state and city/county aforesaid, do hereby certify that Donald Furlong, whose name is signed to the foregoing instrument, has acknowledged the same before me.

Subscribed and sworn to before me this 27th day of FEBRUARY 2004.

My Commission Expires:

6/18/07



Joslin H. Justice
Notary Public

Roberta Furlong (SEAL)
Roberta Furlong

STATE OF GEORGIA

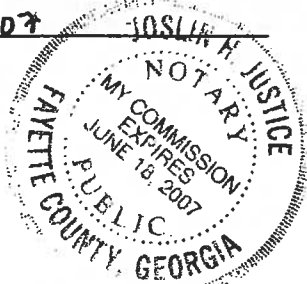
COUNTY OF FAYETTE, to-wit:

I, the undersigned notary public, in and for the state and city/county aforesaid, do hereby certify that Roberta Furlong, whose name is signed to the foregoing instrument, has acknowledged the same before me.

Subscribed and sworn to before me this 27th day of FEBRUARY 2004.

My Commission Expires:

6/18/07



Joslin H. Justice
Notary Public

January 14, 2004

EXHIBIT A**BRADDOCK CORNER REGIONAL ROAD CALCULATIONS
ZMAP 2002-0020**

Bond Estimate for (Two-Lane) Braddock Road (Rt. 620)	\$1,262,206
Bond Estimate for (Two-Lane) Gum Spring Road (Rt. 659)	\$903,750
TOTAL (Two-Lane Section)	\$2,165,956
	<u>x 0.5</u>
Proffered One Lane Improvement Cost (50 percent of above)	\$1,082,978
Deduction for Additional Proffered Right-of-Way Dedication	\$72,000
Proffer Amount	\$1,010,978
Per Unit Contribution at 159 dwelling units:	\$6,358.35

